

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CHRISTOPHER SEGUR,
ON BEHALF OF HIMSELF AND
ALL OTHERS SIMILARLY
SITUATED,**

Plaintiff,

v.

FMS, INC.

Defendant.

Case No. 16-cv-5831

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that defendant, FMS, Inc. (“FMS”), through undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 *et seq.*, hereby removes this action from the Supreme Court of the State of New York, County of Suffolk, to the United States District Court for the Eastern District of New York. In support of this Notice of Removal, FMS states as follows:

1. On June 1, 2016, plaintiff, Christopher Segur (plaintiff), commenced a civil action in the Supreme Court of the State of New York, County of Suffolk, entitled and captioned *Christopher Segur, on Behalf of Himself and All Others Similarly Situated v. FMS, Inc.*, Case No. 608346/2016 (hereinafter the “State Court Action”). No further proceedings before the State Court have occurred.

2. In the Complaint, plaintiff alleges statutory causes of action against FMS. A true and correct copy of plaintiff's Summons with Notice is attached hereto as Ex. "A."

3. Plaintiff accuses FMS of violating the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.* Plaintiff has also alleged state law causes of action.

4. FMS received plaintiff's Summons with Notice on or about September 22, 2016.

5. This Court has jurisdiction over plaintiff's claim pursuant to 28 U.S.C. §§ 1331 and 1441 in that the claims are founded on a claim or right arising under the laws of the United States. This Court has supplemental jurisdiction over plaintiff's joined state law claims, pursuant to 28 U.S.C. § 1441(c).

6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which FMS received plaintiff's Complaint. *See* 28 U.S.C. § 1446.

7. Written notice of this Notice of Removal of this action is being immediately provided to the Supreme Court of the State of New York, County of Suffolk. *See* Exhibit "B" attached hereto.

8. Written notice of this Notice of Removal of this action is being caused to be served on the parties.

WHEREFORE, defendant, FMS, Inc., gives notice that this action is removed from the Supreme Court of the State of New York, County of Suffolk, to the United States District Court for the Eastern District of New York.

Dated: October 19, 2016

Respectfully Submitted,


/s/ Aaron R. Easley

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*Attorney for Defendant,
FMS, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on October, 19, 2016 a copy of the foregoing was electronically filed with the Clerk of the Court, United States District Court for the Eastern District of New York and served upon the following via U.S. Mail:

Mitchell L. Pashkin, Esq.
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Attorney for Plaintiff


/s/ Aaron R. Easley

Aaron R. Easley, Esq.